

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KEVIN DENHA, Individually and
On Behalf of All Others Similarly
Situated,

Plaintiff,

v.

NETWORK ENGINES, INC., JOHN
CURTIS, DOUGLAS G. BRYANT, and
LAWRENCE A. GENOVESI,

Defendants.

CIVIL ACTION NO. 04-10228 JLT

SCHEDULING STIPULATION

WHEREAS, on February 3, 2004, plaintiff Kevin Denha filed *Kevin Denha, Individually and On Behalf of All Others Similarly Situated v. Network Engines, Inc., John Curtis, Douglas G. Bryant, and Lawrence A. Genovesi*, Civil Action No. 04-10228 (the “Denha Complaint”), a putative class action complaint alleging securities fraud; and

WHEREAS, Plaintiff intends to file a motion to consolidate the *Denha* Complaint with all other existing similar actions and later-filed similar actions, and pursuant to the Private Securities Litigation Reform Act of 1995 (the “Reform Act”), intends to move for the appointment of a lead plaintiff and approval of the retention of lead plaintiff’s counsel;


THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties that:

1. Defendants need not respond to the *Denha* Complaint, but shall respond to an Amended Consolidated Complaint no later than 60 days after such Amended Consolidated Complaint


is served upon Defendants by the Lead Plaintiff, to be appointed by the Court to consolidate the *Denha* Complaint with all other existing similar actions and later-filed similar actions in accordance with Section 21D(a)(3) of the Securities Exchange Act of 1934.

2. All pre-trial procedures and obligations set forth under Federal Rules of Civil Procedure 16 and 26(a) and (f), and Local Rule 16.1 are stayed until 30 days after the filing of an answer to the Amended Consolidated Complaint by the last answering Defendant.
3. In the event that any deadline herein falls on a weekend or holiday, that deadline shall be extended to following business day.
4. After appointment of a lead plaintiff pursuant to the Reform Act, service on lead counsel for such plaintiff shall satisfy Defendants' service obligations.

By the Plaintiff's attorneys,


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Dated: March 5, 2004